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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,981	11/11/2003	Hagen Klausmann	OSRMP2002-14-01	2980
26181	7590	01/24/2005	EXAMINER	
FISH & RICHARDSON P.C. 3300 DAIN RAUSCHER PLAZA MINNEAPOLIS, MN 55402			RHEE, JANE J	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/605,981

Applicant(s)

KLAUSMANN ET AL.

Examiner

Jane Rhee

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/15/04, 11/23/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Rejections Withdrawn***

1. The 35 U.S.C. 112 2<sup>nd</sup> paragraph rejection of claims 3 and 20 has been withdrawn due to applicant's amendment filed on 11/05/2004.
2. The 35 U.S.C. 102(e) rejection of claims 1-20 anticipated Brown et al. has been withdrawn due to applicant's amendment filed on 11/05/2004.

***New Rejections***

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The new matter issue is "patterned conductors". The specification does not describe, suggest or teach "patterned conductors". The specification teaches that the lower and upper electrode layers and the getter layer maybe patterned as desired to form cells (page 17 lines 3-5).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12,14-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (page 2-4, figure 1) in view of Brown et al. (US2003/0197197).

Applicant's admitted prior art discloses a device comprising a substrate (figure 1 number 101) having an active region defined thereon (figure 1 number 104,102,106), the active region comprising active components (figure 1 number 104,102,106), the active components including pattern conductors (figure 1 number 104,106); and a getter layer (figure 1 number 114). Applicant's admitted prior art discloses that the active component comprises organic light emitting diode cells (page 2 paragraph 0003 lines 8-9), the OLED cells comprising one or more organic layers (figure 1 number 102, page 2 paragraph 0003 lines 4) sandwiched between lower electrodes (figure 1 number 104) and patterned conductors (figure 1 number 106). Applicant's admitted prior art discloses a cap (figure 1 number 110) mounted to a bonding region (figure 1 number 108) on the substrate to seal the device (figure 1 number 101, page 3 paragraph 0004 lines 4-5). Applicant's admitted prior art discloses that the getter layer (figure 1 number 114) covers the patterned conductors of the active components (figure 1 number 114 and 106). Applicant's admitted prior art discloses that a getter layer (which is the second getter layer as claimed by the applicant in claim 9) lining an inner surface of the cap

Art Unit: 1772

(figure 1 number 114 and 110). Applicant's admitted prior art discloses support posts to support the cap (figure 1 number 110).

Applicant's admitted prior art fail to disclose a getter layer located in the active region, the getter layer disposed on the active components, wherein the getter layer comprises an alkaline earth metal, aluminum, tantalum or zirconium and is capable of absorbing water and oxygen.

Brown et al. teaches a getter layer (figure 2 number 130, page 5 col. 2 lines 1-2) located in the active region (figure 2 number 116), the getter layer disposed on the active components (figure 2 number 116), wherein the getter layer comprises an alkaline earth metal, barium (page 5 paragraph 4 lines 1-3) for the purpose of removing reactive gases such as water and oxygen in the event that they penetrate the sealed package, before these gases have the opportunity to cause damage to the OLED region (page 5, paragraph 3 lines 8-10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Applicant's admitted prior art with a getter layer located in the active region, the getter layer disposed on the active components, and cover the patterned conductors of the active component, wherein the getter layer comprises an alkaline earth metal, barium in order to remove reactive gases such as water and oxygen in the event that they penetrate the sealed package, before these gases have the opportunity to cause damage to the OLED region (page 5, paragraph 3 lines 8-10) as taught by Brown et al.

As to claims 2 and 4, applicant's admitted prior art fail to disclose that the substrate comprises flexible substrate for forming a flexible device.

Brown et al. teaches that the substrate comprises flexible substrate for the purpose of rendering the substrates useful for web-based, roll to roll processing (page 6 col. 1 paragraph 3 lines 3-4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide applicant's admitted prior art with the substrate that comprises flexible substrate in order to render the substrates useful for web-based, roll to roll processing (page 6 col. 1 paragraph 3 lines 3-4) as taught by Brown et al.

As to claims 8, 11, 14, 17, 19, 22, 24 wherein the getter layer is formed by flash evaporation, product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as the product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985). The burden has been shifted to the applicant to show obvious difference between the claimed product and the prior art product. *In re Marosi*, 218 USPQ 289 (Fed. Cir. 1983).

### ***Response to Arguments***

5. Applicant's arguments filed 11/5/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that Brown et al. fail to disclose a getter material that is disposed on active components, Brown et al. teaches that the getter material is provided within the adhesive layer (page 5 col. 2 lines 1-2) and that the adhesive layer is disposed on the active components (figure 2 number 130 and 116), therefore Brown et al. does teach that the getter material is disposed on the active components.

In response to applicant's argument that Brown et al. fail to suggest or disclose a getter layer that is disposed on OLED cells, applicant's admitted prior art teaches that the active component comprises organic light emitting diode cells (page 2 paragraph 0003 lines 8-9), and Brown et al. teaches the getter layer (figure 2 number 130, page 5 col. 2 lines 1-2) located in the active region (figure 2 number 116), the getter layer disposed on the active components (figure 2 number 116), wherein the getter layer comprises an alkaline earth metal, barium (page 5 paragraph 4 lines 1-3) for the purpose of removing reactive gases such as water and oxygen in the event that they penetrate the sealed package, before these gases have the opportunity to cause damage to the OLED region (page 5, paragraph 3 lines 8-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Applicant's admitted prior art with a getter layer located in the active region, the getter layer disposed on the active components, and cover the patterned conductors of the active component, wherein the getter layer comprises an alkaline earth metal, barium in order to remove reactive gases such as water and oxygen in the event that they penetrate the sealed package, before these gases have the opportunity

Art Unit: 1772

to cause damage to the OLED region (page 5, paragraph 3 lines 8-10) as taught by Brown et al.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.




Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jane Rhee  
January 12, 2005



HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

1/21/05